

HOUSE SUBSTITUTE
FOR
SENATE BILL NO. 1011

AN ACT

To repeal sections 260.270, 319.129, and
319.131, RSMo, and to enact in lieu thereof
four new sections relating to environmental
regulation, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Sections 260.270, 319.129, and 319.131, RSMo,
are repealed and four new sections enacted in lieu thereof, to be
known as sections 260.270, 319.129, 319.131, and 1, to read as
follows:

260.270. 1. (1) It shall be unlawful for any person to
haul for commercial profit, collect, process, or dispose of waste
tires in the state except as provided in this section. This
section shall not be construed to prohibit [used or] waste tires
from being hauled to a lawfully operated facility in another
state. Waste tires shall be collected at a waste tire site,
waste tire processing facility, waste tire end-user facility, or
a waste tire collection center. A violation of this subdivision
shall be a class C misdemeanor for the first violation. A second
and each subsequent violation shall be a class A misdemeanor. A
third and each subsequent violation, in addition to other

1 penalties authorized by law, may be punishable by a fine not to
2 exceed five thousand dollars and restitution may be ordered by
3 the court.

4 (2) A person shall not maintain a waste tire site unless
5 the site is permitted by the department of natural resources for
6 the proper and temporary storage of waste tires or the site is an
7 integral part of the person's permitted waste tire processing
8 facility or registered waste tire end-user facility. No new
9 waste tire sites shall be permitted by the department after
10 August 28, 1997, unless they are located at permitted waste tire
11 processing facilities or registered waste tire end-user
12 facilities. A person who maintained a waste tire site on or
13 before August 28, 1997, shall not accept any quantity of
14 additional waste tires at such site after August 28, 1997, unless
15 the site is an integral part of the person's waste tire
16 processing or end-user facility, or unless the person who
17 maintains such site can verify that a quantity of waste tires at
18 least equal to the number of additional waste tires received was
19 shipped to a waste tire processing or end-user facility within
20 thirty days after receipt of such additional waste tires.

21 (3) A person shall not operate a waste tire processing
22 facility unless the facility is permitted by the department. A
23 person shall not maintain a waste tire end-user facility unless
24 the facility is registered by the department. The inventory of

1 unprocessed waste tires on the premises of a waste tire
2 processing or end-user facility shall not exceed the estimated
3 inventory that can be processed or used in six months of normal
4 and continuous operation. This estimate shall be based on the
5 volume of tires processed or used by the facility in the last
6 year or the manufacturer's estimated capacity of the processing
7 or end-user equipment. This estimate may be increased from time
8 to time when new equipment is obtained by the owner of the
9 facility, and shall be reduced if equipment used previously is
10 removed from active use. The inventory of processed waste tires
11 on the premises of a waste tire processing or end-user facility
12 shall not exceed two times the permitted inventory of an
13 equivalent volume of unprocessed waste tires.

14 (4) Any person selling new, used, or remanufactured tires
15 at retail shall accept, at the point of transfer, in a quantity
16 equal to the number of tires sold, used or waste tires from
17 customers, if offered by such customers. Any person accepting
18 [used or] waste tires may charge a reasonable fee reflecting the
19 cost of proper management of any waste tires accepted; except
20 that the fee shall not exceed two dollars per waste tire for any
21 tire designed for a wheel of a diameter of sixteen inches or less
22 and which tire is required to be accepted on a one-for-one basis
23 at the time of a retail sale pursuant to this subdivision. All
24 tire retailers or other businesses that generate waste tires

1 shall use a waste tire hauler permitted by the department, except
2 that businesses that generate or accept waste tires in the normal
3 course of business may haul such waste tires without a permit, if
4 such hauling is performed without any consideration and such
5 business maintains records on the waste tires hauled as required
6 by sections 260.270 to 260.276. Retailers shall not be liable
7 for illegal disposal of waste tires after such waste tires are
8 delivered to a waste tire hauler, waste tire collection center,
9 waste tire site, waste tire processing facility or waste tire
10 end-user facility if such entity is permitted by the department
11 of natural resources.

12 (5) It shall be unlawful for any person to transport waste
13 tires for consideration within the state without a permit.

14 (6) Waste tires may not be deposited in a landfill unless
15 the tires have been cut, chipped or shredded.

16 2. Within six months after August 28, 1990, owners and
17 operators of any waste tire site shall provide the department of
18 natural resources with information concerning the site's
19 location, size, and approximate number of waste tires that have
20 been accumulated at the site and shall initiate steps to comply
21 with sections 260.270 to 260.276.

22 3. The department of natural resources shall promulgate
23 rules and regulations pertaining to collection, storage and
24 processing and transportation of waste tires and such rules and

1 regulations shall include:

2 (1) Methods of collection, storage and processing of waste
3 tires. Such methods shall consider the general location of waste
4 tires being stored with regard to property boundaries and
5 buildings, pest control, accessibility by fire-fighting
6 equipment, and other considerations as they relate to public
7 health and safety;

8 (2) Procedures for permit application and permit fees for
9 waste tire sites and commercial waste tire haulers, and by
10 January 1, 1996, procedures for permitting of waste tire
11 processing facilities and registration of waste tire end-user
12 facilities. The only purpose of such registration shall be to
13 provide information for the documentation of waste tire handling
14 as described in subdivision (5) of this subsection, and
15 registration shall not impose any additional requirements on the
16 owner of a waste tire end-user facility;

17 (3) Requirements for performance bonds or other forms of
18 financial assurance for waste tire sites;

19 (4) Exemptions from the requirements of sections 260.270 to
20 260.276; and

21 (5) By January 1, 1996, requirements for record-keeping
22 procedures for retailers and other businesses that generate waste
23 tires, waste tire haulers, waste tire collection centers, waste
24 tire sites, waste tire processing facilities, and waste tire

1 end-user facilities. Required record keeping shall include the
2 source and number or weight of tires received and the destination
3 and number of tires or weight of tires or tire pieces shipped or
4 otherwise disposed of and such records shall be maintained for at
5 least three years following the end of the calendar year of such
6 activity. Detailed record keeping shall not be required where
7 any charitable, fraternal, or other nonprofit organization
8 conducts a program which results in the voluntary cleanup of land
9 or water resources or the turning in of waste tires.

10 4. Permit fees for waste tire sites and commercial waste
11 tire haulers shall be established by rule and shall not exceed
12 the cost of administering sections 260.270 to 260.275. Permit
13 fees shall be deposited into an appropriate subaccount of the
14 solid waste management fund.

15 5. The department shall:

16 (1) Encourage the voluntary establishment of waste tire
17 collection centers at retail tire selling businesses and waste
18 tire processing facilities; and

19 (2) Investigate, locate and document existing sites where
20 tires have been or currently are being accumulated, and initiate
21 efforts to bring these sites into compliance with rules and
22 regulations promulgated pursuant to the provisions of sections
23 260.270 to 260.276.

24 6. Any person licensed as an auto dismantler and salvage

1 dealer under chapter 301, RSMo, may without further license,
2 permit or payment of fee, store but shall not bury on his
3 property, up to five hundred waste tires that have been chipped,
4 cut or shredded, if such tires are only from vehicles acquired by
5 him, and such tires are stored in accordance with the rules and
6 regulations adopted by the department pursuant to this section.
7 Any tire retailer or wholesaler may hold more than five hundred
8 waste tires for a period not to exceed thirty days without being
9 permitted as a waste tire site, if such tires are stored in a
10 manner which protects human health and the environment pursuant
11 to regulations adopted by the department.

12 7. Notwithstanding any other provisions of sections 260.270
13 to 260.276, a person who leases or owns real property may use
14 waste tires for soil erosion abatement and drainage purposes in
15 accordance with procedures approved by the department, or to
16 secure covers over silage, hay, straw or agricultural products.

17 8. The department of transportation shall, beginning July
18 1, 1991, undertake, as part of its currently scheduled highway
19 improvement projects, demonstration projects using recovered
20 rubber from waste tires as surfacing material, structural
21 material, subbase material and fill, consistent with standard
22 engineering practices. The department shall evaluate the
23 efficacy of using recovered rubber in highway improvements, and
24 shall encourage the modification of road construction

1 specifications, when possible, for the use of recovered rubber in
2 highway improvement projects.

3 9. The director may request a prosecuting attorney to
4 institute a prosecution for any violation of this section. In
5 addition, the prosecutor of any county or circuit attorney of any
6 city not within a county may, by information or indictment,
7 institute a prosecution for any violation of this section.

8 319.129. 1. There is hereby created a special trust fund
9 to be known as the "Petroleum Storage Tank Insurance Fund" within
10 the state treasury which shall be the successor to the
11 underground storage tank insurance fund. Moneys in such special
12 trust fund shall not be deemed to be state funds.
13 Notwithstanding the provisions of section 33.080, RSMo, to the
14 contrary, moneys in the fund shall not be transferred to general
15 revenue at the end of each biennium.

16 2. The owner or operator of any underground storage tank,
17 including the state of Missouri and its political subdivisions
18 and public transportation systems, in service on August 28, 1989,
19 shall submit to the department a fee of one hundred dollars per
20 tank on or before [December 31, 1989] May 18, 2001. The owner or
21 operator of any underground storage tank who seeks to participate
22 in the petroleum storage tank insurance fund, including the state
23 of Missouri and its political subdivisions and public
24 transportation systems, and whose underground storage tank is

1 brought into service after August 28, 1998, shall transmit one
2 hundred dollars per tank to the board with his or her initial
3 application. Such amount shall be a one-time payment, and shall
4 be in addition to the payment required by section 319.133. The
5 owner or operator of any aboveground storage tank regulated by
6 this chapter, including the state of Missouri and its political
7 subdivisions and public transportation systems, who seeks to
8 participate in the petroleum storage tank insurance fund, shall
9 transmit one hundred dollars per tank to the board with his or
10 her initial application. Such amount shall be a one-time payment
11 and shall be in addition to the payment required by section
12 319.133. Moneys received pursuant to this section shall be
13 transmitted to the director of revenue for deposit in the
14 petroleum storage tank insurance fund.

15 3. The state treasurer may deposit moneys in the fund in
16 any of the qualified depositories of the state. All such
17 deposits shall be secured in a manner and upon the terms as are
18 provided by law relative to state deposits. Interest earned
19 shall be credited to the petroleum storage tank insurance fund.

20 4. The general administration of the fund and the
21 responsibility for the proper operation of the fund, including
22 all decisions relating to payments from the fund, are hereby
23 vested in a board of trustees. The board of trustees shall
24 consist of the commissioner of administration or the

1 commissioner's designee, the director of the department of
2 natural resources or the director's designee, the director of the
3 department of agriculture or the director's designee, and eight
4 citizens appointed by the governor with the advice and consent of
5 the senate. Three of the appointed members shall be owners or
6 operators of retail petroleum storage tanks, including one tank
7 owner or operator of greater than one hundred tanks; one tank
8 owner or operator of less than one hundred tanks; and one
9 aboveground storage tank owner or operator. One appointed
10 trustee shall represent a financial lending institution, and one
11 appointed trustee shall represent the insurance underwriting
12 industry. One appointed trustee shall represent industrial or
13 commercial users of petroleum. The two remaining appointed
14 citizens shall have no petroleum-related business interest, and
15 shall represent the nonregulated public at large. The members
16 appointed by the governor shall serve four-year terms except that
17 the governor shall designate two of the original appointees to be
18 appointed for one year, two to be appointed for two years, two to
19 be appointed for three years and two to be appointed for four
20 years. Any vacancies occurring on the board shall be filled in
21 the same manner as provided in this section.

22 5. The board shall meet in Jefferson City, Missouri, within
23 thirty days following August 28, 1996. Thereafter, the board
24 shall meet upon the written call of the chairman of the board or

1 by the agreement of any six members of the board. Notice of each
2 meeting shall be delivered to all other trustees in person or by
3 registered mail not less than six days prior to the date fixed
4 for the meeting. The board may meet at any time by unanimous
5 mutual consent. There shall be at least one meeting in each
6 quarter.

7 6. Six trustees shall constitute a quorum for the
8 transaction of business, and any official action of the board
9 shall be based on a majority vote of the trustees present.

10 7. The trustees shall serve without compensation but shall
11 receive from the fund their actual and necessary expenses
12 incurred in the performance of their duties for the board.

13 8. All staff resources for the Missouri petroleum storage
14 tank insurance fund shall be provided by the department of
15 natural resources or another state agency as otherwise
16 specifically determined by the board. The fund shall compensate
17 the department of natural resources or other state agency for all
18 costs of providing staff required by this subsection. Such
19 compensation shall be made pursuant to contracts negotiated
20 between the board and the department of natural resources or
21 other state agency.

22 9. In order to carry out the fiduciary management of the
23 fund, the board may select and employ, or may contract with,
24 persons experienced in insurance underwriting, accounting, the

1 servicing of claims and rate making, and legal counsel to defend
2 third-party claims, who shall serve at the board's pleasure.
3 Invoices for such services shall be presented to the board in
4 sufficient detail to allow a thorough review of the costs of such
5 services.

6 10. At the first meeting of the board, the board shall
7 elect one of its members as chairman. The chairman shall preside
8 over meetings of the board and perform such other duties as shall
9 be required by action of the board.

10 11. The board shall elect one of its members as vice
11 chairman, and the vice chairman shall perform the duties of the
12 chairman in the absence of the latter or upon the chairman's
13 inability or refusal to act.

14 12. The board shall determine and prescribe all rules and
15 regulations as they relate to fiduciary management of the fund,
16 pursuant to the purposes of sections 319.100 to 319.137. In no
17 case shall the board have oversight regarding environmental
18 cleanup standards for petroleum storage tanks.

19 13. No trustee or staff member of the fund shall receive
20 any gain or profit from any moneys or transactions of the fund.
21 This shall not preclude any eligible trustee from making a claim
22 or receiving benefits from the petroleum storage tank insurance
23 fund as provided by sections 319.100 to 319.137.

24 14. The board may reinsure all or a portion of the fund's

1 liability. Any insurer who sells environmental liability
2 insurance in this state may, at the option of the board, reinsure
3 some portion of the fund's liability.

4 15. The petroleum storage tank insurance fund shall expire
5 on December 31, 2010, or upon revocation of federal regulation 40
6 CFR Parts 280 and 285, whichever occurs first, unless extended by
7 action of the general assembly. After December 31, 2010, the
8 board of trustees may continue to function for the sole purpose
9 of completing payment of claims made prior to December 31, 2010.

10 16. The board shall annually commission an independent
11 financial audit of the petroleum storage tank insurance fund.
12 The board shall biennially commission an actuarial analysis of
13 the petroleum storage tank insurance fund. The results of the
14 financial audit and the actuarial analysis shall be made
15 available to the public. The board may contract with third
16 parties to carry out the requirements of this subsection.

17 319.131. 1. Any owner or operator of one or more petroleum
18 storage tanks may elect to participate in the petroleum storage
19 tank insurance fund to partially meet the financial
20 responsibility requirements of sections 319.100 to 319.137.
21 Subject to regulations of the board of trustees, owners or
22 operators may elect to continue their participation in the fund
23 subsequent to the transfer of their property to another party.
24 Current or former refinery sites or petroleum pipeline or marine

1 terminals are not eligible for participation in the fund.

2 2. The board shall establish an advisory committee which
3 shall be composed of insurers and owners and operators of
4 petroleum storage tanks. The advisory committee established
5 pursuant to this subsection shall report to the board. The
6 committee shall monitor the fund and recommend statutory and
7 administrative changes as may be necessary to assure efficient
8 operation of the fund. The committee, in consultation with the
9 board and the department of insurance, shall annually report to
10 the general assembly on the availability and affordability of the
11 private insurance market as a viable method of meeting the
12 financial responsibilities required by state and federal law in
13 lieu of the petroleum storage tank insurance fund.

14 3. (1) Except as otherwise provided by this section, any
15 person seeking to participate in the insurance fund shall submit
16 an application to the board of trustees and shall certify that
17 the petroleum tanks meet or exceed and are in compliance with all
18 technical standards established by the United States
19 Environmental Protection Agency, except those standards and
20 regulations pertaining to spill prevention control and
21 counter-measure plans, and rules established by the Missouri
22 department of natural resources and the Missouri department of
23 agriculture. The applicant shall submit proof that the applicant
24 has a reasonable assurance of the tank's integrity. Proof of

1 tank integrity may include but not be limited to any one of the
2 following: tank tightness test, electronic leak detection,
3 monitoring wells, daily inventory reconciliation, vapor test or
4 any other test that may be approved by the director of the
5 department of natural resources or the director of the department
6 of agriculture. The applicant shall submit evidence that the
7 applicant can meet all applicable financial responsibility
8 requirements of this section.

9 (2) A creditor, specifically a person who, without
10 participating in and not otherwise primarily engaged in petroleum
11 production, refining, and marketing, holds indicia of ownership
12 primarily for the purpose of, or in connection with, securing
13 payment or performance of a loan or to protect a security
14 interest in or lien on the tank or the property where the tank is
15 located, or serves as trustee or fiduciary upon transfer or
16 receipt of the property, may be a successor in interest to a
17 debtor pursuant to this section, provided that the creditor gives
18 notice of the interest to the insurance fund by certified mail,
19 return receipt requested. Part of such notice shall include a
20 copy of the lien, including but not limited to a security
21 agreement or a deed of trust as appropriate to the property. The
22 term "successor in interest" as provided in this section means a
23 creditor to the debtor who had qualified real property in the
24 insurance fund prior to the transfer of title to the creditor,

1 and the term is limited to access to the insurance fund. The
2 creditor may cure any of the debtor's defaults in payments
3 required by the insurance fund, provided the specific real
4 property originally qualified pursuant to this section. The
5 creditor, or the creditor's subsidiary or affiliate, who
6 forecloses or otherwise obtains legal title to such specific real
7 property held as collateral for loans, guarantees or other
8 credit, and which includes the debtor's aboveground storage tanks
9 or underground storage tanks, or both such tanks shall provide
10 notice to the fund of any transfer of creditor to subsidiary or
11 affiliate. Liability pursuant to sections 319.100 to 319.137
12 shall be confined to such creditor or such creditor's subsidiary
13 or affiliate. A creditor shall apply for a transfer of coverage
14 and shall present evidence indicating a lien, contractual right,
15 or operation of law permitting such transfer, and may utilize the
16 creditor's affiliate or subsidiary to hold legal title to the
17 specific real property taken in satisfaction of debts. Creditors
18 may be listed as insured or additional insured on the insurance
19 fund, and not merely as mortgagees, and may assign or otherwise
20 transfer the debtor's rights in the insurance fund to the
21 creditor's affiliate or subsidiary, notwithstanding any
22 limitations in the insurance fund on assignments or transfer of
23 the debtor's rights.

24 (3) Any person participating in the fund shall annually

1 submit an amount established pursuant to subsection 1 of section
2 319.133 which shall be deposited to the credit of the petroleum
3 storage tank insurance fund.

4 4. Any person making a claim pursuant to this section and
5 sections 319.129 and 319.133 shall be liable for the first ten
6 thousand dollars of the cost of cleanup associated with a release
7 from a petroleum storage tank without reimbursement from the
8 fund. The petroleum storage tank insurance fund shall assume all
9 costs, except as provided in subsection 5 of this section, which
10 are greater than ten thousand dollars but less than one million
11 dollars per occurrence or two million dollars aggregate per year.
12 The liability of the petroleum storage tank insurance fund is not
13 the liability of the state of Missouri. The provisions of
14 sections 319.100 to 319.137 shall not be construed to broaden the
15 liability of the state of Missouri beyond the provisions of
16 sections 537.600 to 537.610, RSMo, nor to abolish or waive any
17 defense which might otherwise be available to the state or to any
18 person. The presence of existing contamination at a site where a
19 person is seeking insurance in accordance with this section shall
20 not affect that person's ability to participate in this program,
21 provided the person meets all other requirements of this section.
22 Any person who qualifies pursuant to sections 319.100 to 319.137
23 and who has requested approval of a project for remediation from
24 the fund, which request has not yet been decided upon shall

1 annually be sent a status report including an estimate of when
2 the project may expect to be funded and other pertinent
3 information regarding the request.

4 5. The fund shall provide coverage for third-party claims
5 involving property damage or bodily injury caused by leaking
6 petroleum storage tanks whose owner or operator is participating
7 in the fund at the time the release occurs or is discovered.
8 Coverage for third-party bodily injury shall not exceed one
9 million dollars per occurrence. Coverage for third-party
10 property damage shall not exceed one million dollars per
11 occurrence. The fund shall not compensate an owner or operator
12 for repair of damages to property beyond that required to contain
13 and clean up a release of a regulated substance or compensate an
14 owner or operator or any third party for loss or damage to other
15 property owned or belonging to the owner or operator, or for any
16 loss or damage of an intangible nature, including, but not
17 limited to, loss or interruption of business, pain and suffering
18 of any person, lost income, mental distress, loss of use of any
19 benefit, or punitive damages. This coverage is in addition to
20 the coverage set forth in subsection 4 of this section.

21 6. The fund shall, within limits specified in this section,
22 assume costs of third-party claims and cleanup of contamination
23 caused by releases from petroleum storage tanks. The fund shall
24 provide the defense of eligible third-party claims including the

1 negotiations of any settlement.

2 7. Nothing contained in sections 319.100 to 319.137 shall
3 be construed to abrogate or limit any right, remedy, causes of
4 action, or claim by any person sustaining personal injury or
5 property damage as a result of any release from any type of
6 petroleum storage tank, nor shall anything contained in sections
7 319.100 to 319.137 be construed to abrogate or limit any
8 liability of any person in any way responsible for any release
9 from a petroleum storage tank or any damages for personal injury
10 or property damages caused by such a release.

11 8. (1) The fund shall provide moneys for cleanup of
12 contamination caused by releases from petroleum storage tanks,
13 the owner or operator of which is participating in the fund or
14 the owner or operator of which has made application for
15 participation in the fund by [December 31, 1997] May 18, 2001,
16 regardless of when such release occurred, provided that those
17 persons who have made application are ultimately accepted into
18 the fund. Applicants shall not be eligible for fund benefits
19 until they are accepted into the fund. This section shall not
20 preclude the owner or operator of petroleum storage tanks coming
21 into service after [December 31, 1997] May 18, 2001, from making
22 application to and participating in the petroleum storage tank
23 insurance fund.

24 (2) Notwithstanding the provisions of section 319.100 and

1 the provisions of subdivision (1) of this section, the fund shall
2 provide moneys for cleanup of contamination caused by releases
3 from petroleum storage tanks owned by school districts all or
4 part of which are located in a county of the third classification
5 without a township form of government and having a population of
6 more than ten thousand seven hundred but less than eleven
7 thousand inhabitants, and which make application for
8 participation in the fund by August 28, 1999, regardless of when
9 such release occurred. Applicants shall not be eligible for fund
10 benefits until they are accepted into the fund, and costs
11 incurred prior to that date shall not be eligible expenses.

12 9. (1) The fund shall provide moneys for cleanup of
13 contamination caused by releases from underground storage tanks
14 which contained petroleum and which have been taken out of use
15 prior to [December 31, 1997] May 18, 2001, provided such sites
16 have been documented by or reported to the department of natural
17 resources prior to [December 31, 1997] May 18, 2001, and provided
18 further that the fund shall make no reimbursements for expenses
19 incurred prior to August 28, 1995. The fund shall also provide
20 moneys for cleanup of contamination caused by releases from
21 underground storage tanks which contained petroleum and which
22 have been taken out of use prior to December 31, 1985, if the
23 current owner of the real property where the tanks are located
24 purchased such property before December 31, 1985, provided such

1 sites are reported to the fund on or before June 30, 2000. The
2 fund shall make no payment for expenses incurred at such sites
3 prior to August 28, 1999. Nothing in sections 319.100 to 319.137
4 shall affect the validity of any underground storage tank fund
5 insurance policy in effect on August 28, 1996.

6 (2) An owner or operator who submits a request as provided
7 in this subsection is not required to bid the costs and expenses
8 associated with professional environmental engineering services.
9 The board may disapprove all or part of the costs and expenses
10 associated with the environmental engineering services if the
11 costs are excessive based upon comparable service costs or
12 current market value of similar services. The owner or operator
13 shall solicit bids for actual remediation and cleanup work as
14 provided by rules of the board.

15 10. The fund shall provide moneys for cleanup of
16 contamination caused by releases from aboveground storage tanks
17 utilized for the sale of products regulated by chapter 414, RSMo,
18 which have been taken out of use prior to [December 31, 1997] May
19 18, 2001, provided such sites have been documented by or reported
20 to the department of natural resources prior to [December 31,
21 1997] May 18, 2001, and provided further that the fund shall make
22 no reimbursements for expenses incurred prior to July 1, 1997.

23 Section 1. Notwithstanding any provisions of law to the
24 contrary, any utility unit, as defined in Title IV of the federal

1 Clean Air Act, 42 U.S.C. Section 7851a, that uses coal-fired
2 cyclone boilers which also burn tire derived fuel shall limit
3 emissions of oxides of nitrogen to a rate no greater than eighty
4 percent of the emission limit for cyclone-fired boilers in Title
5 IV of the federal Clean Air Act and implementing regulations in
6 40 CFR Part 76, as amended. The provisions of this section shall
7 expire on April 30, 2004, or upon the effective date of a
8 revision to 10 CSR 10-6.350, whichever later occurs. The
9 director of the department of natural resources shall notify the
10 revisor of statutes of the effective date of a revision to 10 CSR
11 10-6.350.